DETAILED ACTION

1.   In view of the Appeal Brief filed on 07/07/2007, Supplemental Appeal Briefs filed

on 08/31/2007 and 12/10/2007 and telephone interview held on 09/02/2008,

PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth

below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

New Rejections

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The specification describes a "visual language and blueprints", paragraphs [0004] and [0052], not tied to any process, machine, process, manufacture, or composition of matter, paragraphs [0005] and [0038]. In essence the specification describes an abstract idea disembodied from any physical transformation.

Claims 1-18:

These claims do not claim a process, machine, manufacture, or composition of matter.

There is no claimed physical transformation to be a proper method process when the process is not tied to a statutory class.

These claims claim an abstract idea "used to visually represent a noun or verb".

These claims are directed to a grouping graphical element used to enclose selected shapes, thus, this claim is claiming the graphical element itself without claiming any one of the four statutory classes of invention patentable under 35 USC 101.

Applicant admits at page 4 in paragraph 1.1.1 in the 07/07/2007 Appeal Brief this claim's objective is covering any business communication. A business communication

is not one of the four statutory classes of invention defining a utility patent. The argued

"business communication" is in essence an abstract idea.

Independent claim 1:

Applicant should note a preamble is generally not accorded any patentable

weight where it merely recites the purpose of a process or the intended use of a

structure, and where the body of the claim does not depend on the preamble for

completeness but, instead, the process steps or structural limitations are able to stand

alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*,

187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). The automated graphical

element of the preamble is any visual language. The graphical tool of the preamble is

any graphical tool, specification paragraph [0035]. The user interface of the preamble is

any user interface, specification paragraph [0048]. The body of this claim, as discussed

above, is any visual language such as the argued "business communication" or the

described "road sign", specification at paragraph [0007], or the described blueprint,

specification at paragraphs [0004], [0035], and [0052]. In essence this claim is an

abstract idea disembodied from any physical transformation.

In re Comiskey, 84 USPQ2d 1670 (Fed. Cir. 2007). Also In re Comiskey

http://www.cafc.uscourts.gov/opinions/06-1286.pdf 2007/09/20   06-1286.pdf   PTO

In Re Stephen W. Comiskey   P

US Patent and Trademark Office Appeal No. 2008-1495, Ex parte Lars

Langemyr et al., decided May 28, 2008,

http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf; and

US Patent and Trademark Office Appeal No. 2008-1496, Ex parte Wasynczuk et al., decided June 2, 2008, http://www.uspto.gov/web/offices/dcom/bpai/its/fd081496.pdf.

Dependent claims 2-5:

These claims add language limitations to parent claim 1, thus, these claim limitations are abstract ideas disembodied from any physical transformation.

Dependent claim 16:

Visual language rules automatically generate specification documents, thus, this claim limitation is an abstract idea disembodied from any physical transformation.

Dependent claim 17:

Visual language rules identify, access, and manage notation objects and relationships, thus, this claim limitation is an abstract idea disembodied from any physical transformation.

Dependent claim 18:

As discussed above the tool is any tool, specification paragraph [0035], thus, the output is any output. therefore, this claim limitation is an abstract idea disembodied from any physical transformation.

Independent claim 19:

This claim does not claim a process, machine, manufacture, or composition of matter.

There is no claimed physical transformation to be a proper method process when the process is not tied to a statutory class.

This claim claims an abstract idea "a grouping graphical element used to enclose selected shapes".

This claim is directed to a grouping graphical element used to enclose selected shapes, thus, this claim is claiming the graphical element itself without claiming any one of the four statutory classes of invention patentable under 35 USC 101.

Applicant admission at page 4 in paragraph 1.1.1 in the 07/07/2007 Appeal Brief applies to this claim since this claim covers any business communication which is not one of the four statutory classes of invention defining a utility patent. The argued "business communication" is in essence an abstract idea.

Applicant should note a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). The grouping graphical element of the preamble is any visual language. The body of this claim, as discussed above, is any visual language such as the argued "business communication" or the described "road sign", specification at paragraph [0007], or the described blueprint, specification at paragraphs [0004], [0035], and [0052]. In essence this claim is an abstract idea disembodied from any physical transformation.

In re Comiskey, 84 USPQ2d 1670 (Fed. Cir. 2007). Also In re Comiskey

http://www.cafc.uscourts.gov/opinions/06-1286.pdf   2007/09/20   06-1286.pdf   PTO

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http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf; and

US Patent and Trademark Office Appeal No. 2008-1496, Ex parte Wasynczuk et

al., decided June 2, 2008, http://www.uspto.gov/web/offices/dcom/bpai/its/fd081496.pdf.

Independent claim 20:

This claim does not claim a process, machine, manufacture, or composition of

matter.

There is no claimed physical transformation to be a proper method process when

the process is not tied to a statutory class.

This claim claims an abstract idea "subordinate graphical container shape that is

automatically connected to and controlled by its parent shape or graphical element".

This claim is directed to a subordinate graphical container shape that is

automatically connected to and controlled by its parent shape or graphical element,

thus, this claim is claiming the graphical container shape itself without claiming any one

of the four statutory classes of invention patentable under 35 USC 101.

Applicant admission at page 4 in paragraph 1.1.1 in the 07/07/2007 Appeal Brief

applies to this claim since this claim covers any business communication which is not

one of the four statutory classes of invention defining a utility patent. The argued

"business communication" is in essence an abstract idea.

Applicant should note a preamble is generally not accorded any patentable

weight where it merely recites the purpose of a process or the intended use of a

structure, and where the body of the claim does not depend on the preamble for

completeness but, instead, the process steps or structural limitations are able to stand

alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*,

187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). The subordinate graphical

container shape that is automatically connected to and controlled by its parent shape or

graphical element of the preamble is any visual language. The body of this claim, as

discussed above, is any visual language such as the argued "business communication"

or the described "road sign", specification at paragraph [0007], or the described

blueprint, specification at paragraphs [0004], [0035], and [0052]. In essence this claim

is an abstract idea disembodied from any physical transformation.

In re Comiskey, 84 USPQ2d 1670 (Fed. Cir. 2007). Also In re Comiskey

http://www.cafc.uscourts.gov/opinions/06-1286.pdf 2007/09/20   06-1286.pdf   PTO

In Re Stephen W. Comiskey   **P**

US Patent and Trademark Office Appeal No. 2008-1495, Ex parte Lars

Langemyr et al., decided May 28, 2008,

http://www.uspto.gov/web/offices/dcom/bpai/its/fd081495.pdf; and

US Patent and Trademark Office Appeal No. 2008-1496, Ex parte Wasynczuk et

al., decided June 2, 2008, http://www.uspto.gov/web/offices/dcom/bpai/its/fd081496.pdf.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 3-13 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

The preamble of claims 3-13, "The objects", is unclear in determining if these

claims are directed to "the objects" as an independent claim or if these claims are

further defining the objects of the parent claim.

Response to Arguments

6.   Applicant's arguments filed 07/07/2007 have been fully considered but they are

not persuasive. The arguments spanning arguments 1 to 1.6.6 are not persuasive

because Nochur teaches the claim elements as set forth in the detailed analysis of the

claims and Nochur.   The arguments spanning arguments 1.7 to 1.7.9 are not

persuasive for the reasons given in the modified rejection of claim 19.   The arguments

spanning arguments 2 to 2.3.2 are not persuasive because the specification does not

convey the language added to the claims as set forth in the detailed analysis of the

claims and the specification under 35 USC 112 first paragraph.   The arguments

spanning arguments 3 to 3.2.3 are not persuasive because the claims do not clearly

claim the invention under 35 USC 112 second paragraph.   The arguments spanning

arguments 4 to 4.8.3 are not persuasive because Nochur teaches or renders obvious

the claim elements as set forth in the detailed analysis of the claims and Nochur.

Previous objections and rejections

7.   The previous objection to the specification, 35 USC 112 second paragraph

rejections and 35 USC 112 103 rejections are reproduced below with modification made

to reflect applicants amendment to claim 19, see Appeal Brief at page 9 paragraph

1.7.3, by changing the rejection form a 35 USC 102 rejection to a35 USC 103 rejection.

Specification

8.   The disclosure is objected to because of the following informalities: Figs. 1B, 2-8,

11, 13B-E, 14A-B, 16, 18-20, 21A-B, and 22 are not described in the detailed

specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

10.   Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention.   Applicant amended claim 19 by changing "can" to

"must be able to" in order to more clearly claim the shape of the border and the function

of the element. Applicant presents arguments on page 5 that the border (described

fence) may be "any" shape such as a circle. The specification, see page 7 paragraph

[0047] and figure 10, does not show a circle and only conveys to one of ordinary skill in

the art rectangular shaped borders (described fence) and the application does not

convey that applicant had possession of borders that are something other than

rectangular and does not convey how the shape becomes any shape. It appears

applicant is claiming the border may be a complex shape by claiming "infinitely,

variably-shaped at all points", however, this is not shown in the drawings nor does

applicant specification convincingly describe a border having a complex shape. Note

LizardTech Inc. v. Earth Resource Mapping Inc., 76 USPQ2d 1724 (Fed. Cir. 2005) and

Lizardtech Inc. v. Earth Resource Mapping Inc., 77 USPQ2d 1391 (Fed. Cir. 2006).

11.   Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter that was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 8 recites the limitation of "rule, process, and security object shapes". Although

Fig. 4 shows rule shapes, and Fig. 6 shows process object shapes, there is no

description to understand what these shapes are. Furthermore, Applicant's disclosure

fails to mention "security object shapes".

12.   Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter that was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9 recites the limitation of "note, design point, initiative, and issue object shapes".

Although Fig. 4 shows design point, there is no description to understand what these

shapes are.

13.   Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter that was not

described in the specification in such a way as to enable one skilled in the art to which it

pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 20 recites the limitations "variable amount" in line 4 it is unclear from Applicant's

disclosure what a "variable amount" is. Additionally, claim 20 recites the limitation of

"predetermined, appropriate points" in line 6. It is unclear from Applicant's disclosure

how the attachment points are predetermined or considered appropriate points if the

user it to indicate where these attachment points are to reside.

14.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

15.   Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 8 recites the limitation of "rule, process, and security

object shapes". It is unclear what these object shapes are. There is insufficient

antecedent basis for these limitations in the claim.

16. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 8 recites the limitation of "note, design point, initiative,

and issue object shapes". It is unclear what these object shapes are. There is

insufficient antecedent basis for these limitations in the claim.

17. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 20 recites the limitations "variable amount" in line 4 and

"predetermined, appropriate points" in line 6. It is unclear what a "variable amount" is.

Furthermore, it is unclear how the attachment points are predetermined or considered

appropriate points if the user it to indicate where these attachment points are to reside.

There is insufficient antecedent basis for these limitations in the claim. Claim 20 recites

the limitation of "controlled by its parent shape". It is unclear what "its" refers to, thus,

"its" should be changed to more clearly identify the "subordinate graphical container

shape". Additionally applicant added a period after step (a) which ends the claim at that

point thus the claim is unclear as to if step (b) is still a part of the claim or is intended to

be deleted.

Claim Rejections - 35 USC § 102

18.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19.   Claims **1**, **14-17**, and **20** are rejected under 35 U.S.C. 102(b) as being anticipated

by Nochur et al. (US Patent No. 5,835,758).

The invention of Nochur discloses a computer-based method and system for

representing and communicating various conceptual and physical entities.

In regards to claim **1**, Nochur explicitly teaches *an automated graphical*

element, of a graphical tool, that is manipulated and altered primarily by an

associated user interface, wherein said element is used to visually represent a

noun or verb, and where said element is comprised of the following automatically

controlled elements:

> a) *a plurality of predefined simple and complex shapes with predefined*
>   *meaning;*
>
> b) *a plurality of predefined icons representing the nouns;*
>
> c) *variable text;*
>
> d) *a plurality of predefined adornments with predefined meaning;*
>
> e) *an attached, subordinate graphical container for additional text and*
>   *graphical elements.*

"As an example, if users are interested in hospital management, the domain of

interest might include elements such as patients, doctors, and hospitals. As another

example, if the domain of interest is education in a university setting, elements of

interest to users in that domain would include students, courses, faculty, and

classrooms. An application created by a general-purpose embodiment of the present

invention will have one or more palettes, each palette having a set of one or more

elements of relevance to the user's domain of interest. Each element is represented by

its symbol and indicia and has associated with it various data and other attributes to be

represented, stored, processed, and communicated over a computer-based system."

[col. 5, lines 3-5]. Furthermore, "A palette generation module 10 presents the user with

a library of pre-built symbols 101. The user can select from this library of symbols 101,

and also create new symbols by invoking a symbol generator sub-module 103. Indicia

to label each selected or created symbol are specified in symbol indicia definition sub-

module 105 to create a customized palette of elements 107 relating to the domain of

interest. Once a palette 107 has been generated, data and other attributes for the

elements in it are defined in attribute definition module 11." [col. 5, lines 17-27] Fig. 6,

show elements with symbols and main labels for representing entities of interest

wherein the elements represent the noun or verbs associated with their main labels

(elements 61a-61k). As can be seen, the graphical elements are comprised of a

plurality of predefined simple and complex shapes corresponding to their predefined

meaning. Element 72 of Fig. 7 shows an attribute dialog box in which a user may

manipulate the definition fields of an element to automatically adjust the element's

properties. "An item such as Plan 71 in FIG. 7 can have data attributes such as Class

71a, Type 71b, Priority 71c, and Status 71d. Values for these attributes, such as 1 for

Priority 71c, Ongoing for Status 71d can be entered in fields adjoining the attribute label

in Item Attributes dialog box 72. Double clicking on an item on a map opens its attribute

dialog box." [col. 11, lines 54-59] Furthermore, "Users can change attribute definition

fields and screens to suit their needs." [col. 11, lines 64-65] Thus, the automated

graphical elements are manipulated and altered through the user interface of the

attribute dialog box. As can be seen in Fig. 7, the item attributes dialog box also

contains a section for a user to enter text to be displayed within the graphical element,

corresponding to the variable text as stated in claim 1. Nochur further teaches the use

of a plurality of icons or letter adornments to indicate certain features attached to the

element objects. "Notes and annotations can be added in a separate box belonging to

each object. A visual cue, such as the letter N or a notepad icon will show up in the

area around and close to an item to indicate that it has a non-blank Note attached to it.

Double clicking on the cue will lead to the Note screen. Similarly, annotations are

tagged and accessed through a visual cue or the letter A appearing in the region near

the object." [col. 11, line 67 – col. 12, line 5] Additionally, a map icon is placed in the

area around an item to alert a user that one or more maps are attached to the item [col.

12, lines 27-49]. Therefore, the elements include a plurality of predefined icons.

Additionally, the icons are attached to the elements by placing them in the area around

and close to their associated item. When the icons are double clicked by a user, a list

of attached documents is displayed wherein the user may select and load any

document from the list [col. 8, lines 17-24]. Thus the attached documents are considered subordinate to the graphical elements and attached through the use of the icons as described above. Fig. 6 depicts a plurality of predefined adornments connecting graphical elements to one another. "Items can be connected with lines or arrows of various kinds, such as 67b and 67c to show how they are related in terms of sequence, cause-effect relationship, the flow of issues and ideas, hierarchy, etc." [col. 11, lines 49-53]. "Link generator module 14 is for defining the kinds of line and arrow segments that will be used to show relationships and hierarchies between various items on maps. Users are presented with a library of pre-built link types 142. The user can select from this library 142, and also create new link types by invoking a link generator sub-module 144. Indicia to label each selected or created link type are specified in link indicia definition sub-module 146 to create a customized set of link types 148 relevant to the domain of interest. Once a set of link types 148 has been generated, data and other attributes for each of the link types are defined in link attributes sub-module 115." [col. 5, line 67 – col. 6, line 9] Therefore, predefined adornments are provided with which to show hierarchies and relationships between elements.

In regards to claim **14**, Nochur explicitly teaches *the graphical element of claim 1 wherein there is a plurality of adornments for components that contain their own icon or text.*

A plurality of line adornments may be used to show connections and relationships between elements [col. 12, lines 16-23]. Lines 20 – 23 state, "They can

also be labeled to show additional detail, or to describe various kinds of connections

and the relations between the linked objects." Thus, the adornments for the elements of

Nochur may contain their own text.

In regard to claim **15**, Nochur explicitly teaches *the graphical element of claim*

1 wherein there is an adornment to indicate a plural or collections.

Nochur states, "The basic document in the present invention is a map, comprised

of one or more items and the links between them. A connection can be established

between any item and another map or other kind of document. Once a connection is

defined, for example between an item and a map, a visual cue, such as the letter M or a

map icon, will appear in the area around and close to that item. The connected map

can be invoked via the visual cue. Maps can be organized in a nested hierarchy to

show or hide levels of detail. FIG. 8 shows a Plan item 81 next to which the letter M

appears to indicate that one or more maps are attached to it. Double clicking on the M

would lead to Map Connection dialog box 82 which shows the name of a connected

map 83. Selecting the connected map's name and selecting Go To button 84 would

lead the user to the connected map on the display screen." [col. 12, lines 24 – 39]

Thus, Nochur teaches of placing the letter M or a map icon adornment on a graphical

element to indicate that one or more maps are attached to that element, corresponding

to an indicator of plural or collections.

In regard to claim **16**, Nochur explicitly teaches *the graphical element of claim 1 wherein specification documents are automatically generated from object information.*

Nochur states, "Reports can be generated by the present invention based on the attributes of items in maps and the attributes of links, maps, cases, and other documents as well. Reporting is accomplished by report module 202 (FIG. 5) which interfaces with database manager 25 to access data from database 28 to generate various reports 51." [col. 14, lines 25-30] Thus, the reports of Nochur correspond to the specification documents as claimed.

In regard to claim **17**, Nochur explicitly teaches *the graphical element of claim 1 wherein the identity of notation objects and relations are accessed and managed.*

Nochur states, "An item such as Plan 71 in FIG. 7 can have data attributes such as Class 71a, Type 71b, Priority 71c, and Status 71d. Values for these attributes, such as 1 for Priority 71c, Ongoing for Status 71d can be entered in fields adjoining the attribute label in Item Attributes dialog box 72. Double clicking on an item on a map opens its attribute dialog box. The attributes of an item depend on the basic element category it belongs to. For example, a Goal item has attributes such as priority, dates related to its accomplishment, people responsible for it, key words, etc. Users can change attribute definition fields and screens to suit their needs." [col. 11, lines 54-65]

Thus, the identity of notation objects and relationships can be accessed and managed

by a user through the use of the attribute dialog box of Nochur.

In regard to claim **20**, Nochur explicitly teaches *a subordinate graphical*

container shape, that is automatically connected to and controlled by its parent

shape or graphical element, comprising:

   a) *a variable amount of text, graphics, or both.*

   b) *an attachment point that can be positioned anywhere around the*

   parent shape only at predetermined, appropriate points in the vicinity

   closest to where the user indicates.

Column 11, lines 65 – 67, and Column 12, lines 1 – 5, discuss the use of a

plurality of icons or letter adornments to indicate certain features attached to the

element objects of Nochur. "Notes and annotations can be added in a separate

box belonging to each object. A visual cue, such as the letter N or a notepad

icon will show up in the area around and close to an item to indicate that it has a

non-blank Note attached to it. Double clicking on the cue will lead to the Note

screen. Similarly, annotations are tagged and accessed through a visual cue or

the letter A appearing in the region near the object." Column 12, lines 27 – 49,

further describes placing a map icon in the area around an item to alert a user

that one or more maps are attached to the item. Column 8, lines 17 – 24,

teaches that when the icons are double clicked by a user, a list of attached

documents is displayed wherein the user may select and load any document

from the list. Element 82 of Figure 8 shows a map connection list that is

displayed as a result of double-clicking the M attachment of the PLAN element,

element 81. Thus, the attached containers are considered subordinate to the

graphical elements and attached through the use of the icons as described

above. Additionally, the icons are controlled by the parent elements in that they

are attached in area around and close to their associated parent element. The

claim language of claim 20 states that the attachment points can be positioned

anywhere around the parent shape only at predetermined, appropriate points in

the vicinity closest to where the user indicates; however, the claim does not

state that this procedure must be carried out for the placement of the

attachment points. Therefore, Nochur includes the attachment icon points with

which a user may open a subordinate container shape containing a variable

amount of text and/or graphics resulting from the selecting of a note, case,

annotation, or map icon.

20.   Claim **19** is rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft

Visio 2000 Standard Edition.

Microsoft Vision 2000 Standard Edition User Guide explicitly teaches ***a grouping***

graphical element used to enclose selected shapes and said element comprising

a border of any shape that must be able to be infinitely, variably-shaped at all

points and said element must be able to have an attached subordinate graphical

container for additional elements.

Page 23 of the Microsoft Visio 2000 Standard Edition User Guide describes

grouping a number of shapes in a flow chart so that the group of shapes may be

modified as a single unit. When selecting the group, a dashed line appears around the

grouped shapes. Thus, the dashed line corresponds to a grouping graphical element

used to enclose selected shapes. Additionally, page 23 states that the group may be

modified the same, just like any single object including moving, resizing, or rotating the

group. Therefore, by resizing the group, the dashed line appearing around the grouped

shape is resizable as well. Thus, the border of the grouping element can be modified to

take on any shape to correspond to the resizing of the group. Furthermore, the claim

language of claim 19 states that the grouping element <u>must be able to</u> ~~can~~ be infinitely,

variably-shaped at all points and that it <u>must be able to</u> ~~may~~ have an attached,

subordinate graphical container for additional elements. However, the Visio User Guide

does not state the group may be modified just like any single object including moving,

resizing, or rotating the group which covers the <u>must be able to</u> be modified since the

group may be modified by the user. Therefore, the grouping element of the claimed

invention does not distinguish itself over the grouping element of Microsoft Visio 2000

Standard Edition.

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

22.   Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,835,758 to Nochur et al.

Nochur states, "In report definition module 13, users specify the formats 131 for

various reports that they want to create, based on the attributes defined earlier for

items, maps, links, cases, and text documents. This module also creates the query

dialog boxes 133 users will need to define queries, and dialog boxes for selection and

sorting 135 data for generating various standard and customizable reports." [col. 5, lines

59-65] Nochur further states, "Reports can be generated by the present invention

based on the attributes of items in maps and the attributes of links, maps, cases, and

other documents as well. Reporting is accomplished by report module 202 (FIG. 5)

which interfaces with database manager 25 to access data from database 28 to

generate various reports 51." [col. 14, lines 25-30] Thus, the reports created by the

invention of Nochur allows for the user to specify the format of the report. Additionally,

the reports may be based on a variety of attributes including text data as described

above. It is very well known in the art to use business tools such as a word processing

program to create a report based on text documents to allow for the reading, storing,

and sharing of text documents.

It would have been obvious at the time the invention was made to modify the invention of Nochur to include outputting the reports in a word processing program so that a user may be better able to read, store, share, and edit the resulting report.

23.   Claims **2-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nochur et al. (US Patent No. 5,835,758) in view of WinFlow for Windows.

Nochur et al. teaches placing text within the graphical elements through the use of the attribute dialog box and labeling the elements according to their type and class. In regards to claim **2**, the claim language states that icons, text, or both can be placed within the element shapes, an instance in which one or the other, or both being placed in the elements will suffice as prior art. Therefore, Nochur teaches of ***placing icons and/or text within the element shapes*** by placing the text from the attribute dialog box within the corresponding element. As can be seen from Figure 7, the two illustrated elements are also both named according to their class and type. Thus, the objects are given noun equivalent names. However, Nochur does not teach of orienting the size and shape of the element to the included text. The program of WinFlow is a flowchart-authoring tool. Page 94 of the WinFlow User Guide describes the use of the "Fit Text to Symbol" command to fit the enclosed text to a symbol's size. Thus, the size of a symbol in the WinFlow program may be enlarged so that the entire portion of included text may be displayed to a user. It is well known in the art of flowchart design that portions of included text within graphical elements that are too large to fit with the element are

either cut from view or spill outside of the element's shape boundary, resulting in an unpleasing visual result.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Nochur to include orienting the size of the graphical elements according to the included text inside them as in WinFlow. One would have been motivated to make such a modification to Nochur so that the entire portion of included text inside an element may be displayed to a user without any of the text being either cut from the user's view or spilling outside of the element's shape boundary, resulting in unpleasing visual results.

In regard to claim **3**, the rationale of claim 1 is incorporated herein. Furthermore, the adornments of Nochur as described above, can be used to indicate the hierarchy between graphical elements.

In regard to claim **4**, the rationale of claim 1 is incorporated herein. Furthermore, the graphical elements of Nochur and their included text are presented in graphical format in Figs. 6, 7, and 8.

In regard to claim **5**, the rationale of claim 1 is incorporated herein. Furthermore, the graphical elements of Nochur, are linked by line and arrow adornments that are representative of sequence, hierarchy, flow, and cause-effect relationships, thus corresponding to a plurality of verbs [col. 11, lines 49-53; col. 12, lines 16-23].

In regard to claims **6** and **7**, the rationale of claim 1 is incorporated herein. Furthermore, the attribute dialog box shown in Fig. 7 of Nochur, illustrates a structured input area for a user to provide detailed specifications of a graphical element.

Additionally, notes and connection properties may be specified for a graphical element using the attribute dialog box. As stated, "Notes and annotations can be added in a separate box belonging to each object. A visual cue, such as the letter N or a notepad icon will show up in the area around and close to an item to indicate that is has a non-blank Note attached to it." [col. 11, line 65 – col. 12, line 2] Thus, selected portions of the specification as described in the attribute dialog box are displayed as adornments to the element shape.

In regard to claims **8**, **9**, and **11-13**, Nochur states, "A general domain-independent embodiment of the present invention is a system for generating applications that are customized to meet the needs of users. This embodiment enables users to create applications that are specific to the domain of interest to them. As an example, if users are interested in hospital management, the domain of interest might include elements such as patients, doctors, and hospitals. As another example, if the domain of interest is education in a university setting, elements of interest to users in that domain would include students, courses, faculty, and classrooms. An application created by a general-purpose embodiment of the present invention will have one or more palettes, each palette having a set of one or more elements of relevance to the user's domain of interest. Each element is represented by its symbol and indicia and has associated with it various data and other attributes to be represented, stored, processed, and communicated over a computer-based system." [col. 4, line 66 – col. 5, line 15] Thus, Nochur teaches that there may be a plurality of different elements corresponding to the domain of interest of a user. Additionally, Nochur teaches that a

user may create new symbols relating to their domain of interest. "A palette generation

module 10 presents the user with a library of pre-built symbols 101. The user can

select from this library of symbols 101, and also create new symbols by invoking a

symbol generator sub-module 103. Indicia to label each selected or created symbol are

specified in symbol indicia definition sub-module 105 to create a customized palette of

elements 107 relating to the domain of interest." [col. 5, lines 17-24] Therefore, any

number of various shapes may be created to signify object types.

In regard to claim **10**, Nochur states, "Link generator module 14 is for defining the

kinds of line and arrow segments that will be used to show relationships and hierarchies

between various items on maps. Users are presented with a library of pre-built link

types 142. The user can select from this library 142, and also create new link types by

invoking a link generator sub-module 144. Indicia to label each selected or created link

type are specified in link indicia definition sub-module 146 to create a customized set of

link types 148 relevant to the domain of interest. Once a set of link types 148 has been

generated, data and other attributes for each of the link types are defined in link

attributes sub-module 115." [col. 5, line 67 - col. 6, line 9] Therefore, Nochur teaches of

including a plurality of link adornments in which to identify the hierarchy and processes

of the flowchart object shapes. Additionally, by adorning the objects of Nochur with the

various links, the graphical elements may be identified as procedural and hierarchical

shapes.

24.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffery A. Brier whose telephone number is (571) 272-

7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael

Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization

where this application or proceeding is assigned is 571-273-8300.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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